Amendments to Drawings

The attached sheets of drawings include changes to Fig. 1 and Fig. 2. These sheets, which include Fig. 1-2, replace the original sheets including Fig. 1-2. In Fig. 1 a previously omitted element 21 has been added. In Fig. 2 a previously omitted element 23 has been added.

Attachment: Replacement Sheets
Annotated Sheets Showing Changes

Remarks/Arguments

Reconsideration is hereby requested.

The drawings are objected to under 37 CFR 1.83(a). The obtuse angle has been added as element 21 to Fig. 1. The obtuse angle is demonstrated by connecting a proximal end 30 to pivot pin 20, on the one hand, and an axle 32 located at a distal part of said jaw end 28 to said pivot pin 20. (Page 8, ¶2). Please see the attached replacement sheet.

Similarly, the spring bias has been added as element 23 to Fig 2, and is further explained in the Detailed Description of the Invention. (See Pages 8-11 of Specification).

The specification has been amended to correct the informalities discussed by the Examiner. Please see preceding amended sections of the Specification. The "distal part of the jaw end" of Claim 1(b) and the "positioning means" of Claim 6 have been amended throughout the Specification to maintain consistency in the language used.

Claims 5-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. The Examiner states that the word "searched" means to look for. Here the journal is rotated and the pivot pin **searches or looks for** the next locking position. To clarify claim 5, lines 5-6, "of said pivot pin is searched", the journal of said pivot pin is searched when there is an absence of an opposing force upon the handle end or when there is a force placed on the handle end placing the grip wheel in a position corresponding to the variable opposing surface.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Oslund. An element constitutes patentable invention when not anticipated by prior art shown by references. *In re Powelson* (1931) 18 CCPA 1460, 49 F2d 832. In Oslund as well as the Applicant's invention there is an obtuse angle between the proximal part of the lever and the distal part. However, in Oslund the obtuse angle does not coincide with the motion of the lever and the distal part. The Applicant's invention has a lever and a distal end that move in a vertical motion once the lever is depressed. In Oslund, the depression of the lever causes the cross bar to slide forward (horizontal and parallel to the handle). The cross bar with the teeth in Oslund can never be elevated vertically relative to the handle. As shown in Oslund's Fig. 1, the cross bar is attached to the net by elongated openings, which only allow the cross bar and teeth to engage horizontally along the same plane as the net.

In Oslund the lever is pivotally supported on a pin carried by bracket members projecting from the handle and a small coiled spring is arranged to bias the lever toward its operative position in which the tooth engages the plunger rod. Essentially in Oslund, the net and handle and the action of the spring have a substantially coplanar relationship. In Oslund, the lever effect about the pivot pin causes a release of the jaw end (described in Oslund as teeth on a cross bar) which is a motion that is parallel to the handle. Column 2, Lines 58-60 and

Column 3, Lines 1-4 read as follows: "Upon gathering a fish, indicated at 27 in Fig. 2, into the bag, the operator may close it instantaneously merely by pressing on the portion 19 of the lever thereby releasing the plunger 8 and causing the cross bar 9 to be projected toward a closed position, such as that indicated by the broken lines in Fig. 2."

In Applicant's invention, the lever effect about the pivot pin causes an elevation of the jaw end in response to the depression of the handle. Upon depression of the handle in the Applicant's invention the jaw end is lifted in a perpendicular manner to the handle. This is stated in Applicant's Claim 1 (b) "whereby a lever effect about said pivot pin causes an elevation of said jaw end responsive to a depression of said handle end." Also, Applicant's Fig. 2 shows the jaw end elevated from its original position to grip the mouth of a fish. The jaw end is maneuvered in an up and down motion, perpendicular to the handle.

Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 1-3 and 5-8. The Applicant also respectfully requests a withdrawal of the objection to Claim 4.

Respectfully submitted,
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2.17.05
Date of Signature

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